



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington DC 20590

PIPELINE SAFETY

2010 State Damage Prevention Grant

for

NORTH CAROLINA UTILITIES COMMISSION

Please follow the directions listed below:

1. Review the entire document for completeness.
2. Review and have an authorized signatory sign page 2.
3. Fasten all pages with a paper or binder clip - no staples please as this package will be scanned upon it's arrival at PHMSA.
4. Mail the entire document, including this cover page to the following:

**ATTN: Karina Munoz
U.S. Department of Transportation
Pipeline & Hazardous Materials Safety Administration
Office of Contracts and Procurement
1200 New Jersey Avenue, SE Second Floor E22-228
Washington, D.C. 20590**

FedSTAR Information

Submission Date: 8/31/2009 10:02:28 AM



**Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington DC 20590**

DEPARTMENT OF TRANSPORTATION

APPLICATION

2010 GRANT PROGRAM IN SUPPORT OF STATE DAMAGE PREVENTION

The NORTH CAROLINA UTILITIES COMMISSION hereby applies to the Department of Transportation for Federal funds appropriated for the support of State Damage Prevention Programs established under 49 U.S.C. Section 60134 et seq.

The State agency plans to carry out the State Damage Prevention Program, during calendar year 2010, as described in Attachment 1, "Project Abstract/Statement of Objectives". To accomplish the program, the state agency proposes to expend funds as set forth in Attachment 4, "State Damage Prevention Estimated Budget".

Signature

Title

Date



Project Abstract/Statement of Objectives

Please provide a clear and concise description of the work this grant will fund for calendar year 2010

The programs for the 2010 Grants submittal are for the North Carolina One Call Center to conduct Locator Training, to publish a Safety and Damage Prevention Magazine and to hold Public Awareness Damage Prevention Meetings. These programs are designed by the North Carolina One Call Center to promote usage of the 811 Call Before You Dig, to promote the current State statute and to promote the future amending of the State statute. Further, the Locator training program is to promote quality locating which in turns increases safe digging practices and reduces damage to the North Carolina underground infrastructure. These programs are designed to also promote understanding, cooperation, and coordination between all stakeholder groups. Successful implementation of these programs will reach thousands of industry-related individuals in the State of North Carolina.



State Damage Prevention Elements

ELEMENT 1 - EFFECTIVE COMMUNICATIONS

"Participation by operators, excavators, and other stakeholders in the development and implementation of methods for establishing and maintaining effective communications between stakeholders from receipt of an excavation notification until successful completion of the excavation, as appropriate."

Does the proposed project address this element? (Required) Yes

Describe any existing state initiatives that support this element: (Required)

Currently there is no organized communication effort between stakeholders concerning excavation notices. The proposed "North Carolina 811" magazine would be very helpful in promoting safe digging and damage prevention activities North Carolina.

Describe how the proposed project will enhance or continue implementation of this element: (Required only if proposal addresses this element)

The North Carolina One Call Center will produce a new magazine in 2010 for the purpose of advancing damage prevention and worker safety in the State of North Carolina. Instead of a small quarterly newsletter, a full scale magazine (approximately 20 pages) will be produced called "North Carolina 811." Quarterly magazines will be produced offering various topics on safety and damage prevention. Attached is a mock-up cover for review.

The purpose of the magazine will be to enhance compliance with the State statute for safe digging and damage prevention, but also bring awareness for the purpose of enhancing and amending the current State statute and the promotion of the 811 Call Before You Dig number. Further, the North Carolina One Call Center feels that the magazine will drive an increase in the membership in the North Carolina One Call Center and set the stage for complete membership through enhancement of the current statute.

Interesting articles will be gathered from various stakeholder groups such as excavators, pipeline companies, State agencies (including articles from the North Carolina Utilities Commission's Office of Pipeline Safety), and the North Carolina One Call Center.

Mailings of the magazine will include but is not limited to each State legislator (House of Representatives and Senate), all mayors and municipal councils, all county commissioners, all municipal public works departments, all trade associations, and members such as AGC, NUCA, landscapers, irrigation firms, plumbing firms, professional excavation firms, locating firms, utilities, Utility Coordinating Committee members, CGA Regional Partnership members, State agencies (Labor, DOT, licensing bureaus, and the Attorney General), the Governor's Office, and the top 500 callers to the North Carolina One Call Center.

Target mailings will be in excess of 15,000 per distributed issue, with plans to grow readership with each issue. The North Carolina One Call Center plans to have four issues per year. The North Carolina One Call Center's proportionate share of the cost for producing and

ELEMENT 2 - COMPREHENSIVE STAKEHOLDER SUPPORT

"A process for fostering and ensuring the support and partnership of stakeholders, including excavators, operators, locators, designers, and local government in all phases of the program."

Does the proposed project address this element? (Required) Yes

Describe any existing state initiatives that support this element: (Required)

At the present time, there is no coordinated effort in North Carolina for a comprehensive stakeholder support. The proposed 10 Public Awareness Damage Prevention Meetings would help foster partnerships with all the stakeholders in damage prevention in the State of North Carolina.

Describe how the proposed project will enhance or continue implementation of this element: (Required only if proposal addresses this element)

Carrying the damage prevention message throughout the State of North Carolina is a major effort for the North Carolina One Call Center. In order to facilitate and partner with various stakeholder groups in North Carolina, the North Carolina One Call Center will embark on an enhanced program and partnership in 2010.

The North Carolina One Call Center will conduct 10 Public Awareness Damage Prevention Meetings in 2010. These meetings will be held in conjunction and for the Public Awareness Programs of the pipeline companies. Participating companies will be Colonial Pipeline, Williams Pipeline, Plantation Pipeline, Dixie Pipeline, Piedmont Natural Gas Company, and PSNC Energy.

The North Carolina One Call Center will arrange all meetings, prepare and distribute all invitations, prepare all material and handouts, arrange meeting sites, and prepare and execute the presentations in accordance with Pipeline Safety Regulations. The North Carolina One Call Center will also keep all pertinent records required by and for the pipeline companies. Meals for the attendees will also be arranged by the North Carolina One Call Center.

These meetings will take place in the specified locations where the participating companies are located. These meetings are geared for specific stakeholder groups.

One group is the emergency responders which include, but not limited to firefighters, fire marshals, EMS/EMT, police, sheriff departments, State Troopers, mayors, city councils, State agencies, and elected public officials.

The other stakeholder groups include municipal public work groups, utilities, locating companies, contractors, professional excavators, trade associations, and the top 200 callers of locate requests to the North Carolina One Call Center.

Although the meetings will concentrate on the safe digging practices around pipelines, the

ELEMENT 3 - OPERATOR INTERNAL PERFORMANCE MEASUREMENT

"A process for reviewing the adequacy of a pipeline operator's internal performance measures regarding persons performing locating services and quality assurance programs."

Does the proposed project address this element? (Required) No

Describe any existing state initiatives that support this element: (Required)

na



ELEMENT 4 - EFFECTIVE EMPLOYEE TRAINING

"Participation by operators, excavators, and other stakeholders in the development and implementation of effective employee training programs to ensure that operators, the one call center, the enforcing agency, and the excavators have partnered to design and implement training for the employees of operators, excavators, and locators."

Does the proposed project address this element? (Required) Yes

Describe any existing state initiatives that support this element: (Required)

In 2009, the North Carolina One Call Center, in partnership with Pipeline Safety Section of The North Carolina Utilities Commission, sponsored one Locator training session. The training was well attended by Locators from various utilities statewide. If approved, we would like to hold three Locator training sessions in 2010.

Describe how the proposed project will enhance or continue implementation of this element: (Required only if proposal addresses this element)

Damages to the North Carolina utility underground infrastructure occur daily. The loss of utility services is important, costly and, in some aspects, critical. The real danger lies in the fact of the potential injury and loss of life to workers and the public. There is a need for locating technicians to be trained.

The North Carolina One Call Center will conduct three sessions of Locator damage prevention and certification training in 2010. The training sessions will be offered to and open to all stakeholder groups in North Carolina who locate underground infrastructure facilities or have locator technicians in their work force. The training benefits all stakeholder groups since accurate location of underground facilities reduces damages. Reduced damages in turn reduce down time for excavators and reduce costs for utility owners and excavators.

The training addresses the art and science of the tough task of underground line locating. Further, the attendees learn skills in print and map reading that are vital to successful locating. Safe practices are taught along with the compliance to the State law. They are taught "hands on skills" and trained on the latest electronic equipment and techniques.

The three sessions will be planned in three different locations throughout the State in order to minimize travel for the attendees and will be an eight-hour class.

Each class will cost \$3,000.00 for up to 20 attendees. The North Carolina One Call Center proposes to run the three classes in 2010 for a total cost of \$9,000.00.

The costs include tuition, material, handouts, training site, lunch, and certificate.

ELEMENT 7 - ENFORCEMENT

"Enforcement of State damage prevention laws and regulations for all aspects of the damage prevention process, including public education, and the use of civil penalties for violations assessable by the appropriate State authority."

Does the proposed project address this element? (Required) No

Describe any existing state initiatives that support this element: (Required)

na



ELEMENT 9 - DAMAGE PREVENTION PROGRAM REVIEW

"A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews."

Does the proposed project address this element? (Required) No

Describe any existing state initiatives that support this element: (Required)

na



Legislative/Regulatory Actions

Provide a description of any legislature or regulatory actions (including legislative/regulatory studies) taken by the State within the past five (5) years pertaining to damage prevention program improvement, even if those actions were not completely successful.

Approximately four years ago, a group of stakeholders, (gas companies, telecommunication, cable, municipalities, contractors and the North Carolina One Call Center), and other entities in North Carolina got together and rewrote the existing damage prevention law. These meetings were held over several months with the Pipeline Safety Section monitoring their efforts. The rewrite of the law never made it to the floor due to lack of support in the legislature. The next attempt at changing the law will probaly be during the 2011 long session.



State Damage Prevention Application Attachments

Gov09Letter.pdf
NC_cover_mockup.pdf



North Carolina

811

Volume 1, Issue 1

Special Pipeline Issue

**Pipelines...your
quiet neighbor** page 14

Are you hiring the right person?
page 12

**Bite off more than you can
chew, then chew it**
page 7

SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program		(b) Applicant	(c) State	(d) Other Sources	(e)TOTALS
8.	State Damage Prevention Program	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
9.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
10.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
11.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
12. TOTAL (sum of lines 8-11)		\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
14. Non-Federal	\$ <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
15. TOTAL (sum of lines 13 and 14)	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program		FUTURE FUNDING PERIODS (YEARS)			
		(b)First	(c) Second	(d) Third	(e) Fourth
16.	State Damage Prevention Program	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
17.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
18.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
19.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
20. TOTAL (sum of lines 16 - 19)		\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges: <input type="text"/>	22. Indirect Charges: <input type="text"/>
23. Remarks: <input type="text"/>	

Application for Federal Assistance SF-424

Version 02

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify)

* 3. Date Received:

08/31/2009

4. Applicant Identifier:

5a. Federal Entity Identifier:

* 5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

NORTH CAROLINA UTILITIES COMMISSION

* b. Employer/Taxpayer Identification Number (EIN/TIN):

56-1611847

* c. Organizational DUNS:

780414723

d. Address:

* Street1:

4325 Mail Service Center

Street2:

* City:

Raleigh

County:

* State:

NC: North Carolina

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

27699

e. Organizational Unit:

Department Name:

NC UTILITIES COMMISSION

Division Name:

Operations

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Mr.

* First Name:

Christopher

Middle Name:

* Last Name:

Isley

Suffix:

Title:

Director Pipeline Safety

Organizational Affiliation:

* Telephone Number:

919-733-8818

Fax Number:

919-733-7300

* Email:

isley@ncuc.net

Application for Federal Assistance SF-424

Version 02

9. Type of Applicant 1: Select Applicant Type:

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

Pipeline & Hazardous Material Safety Administration

11. Catalog of Federal Domestic Assistance Number:

20.720

CFDA Title:

Pipeline Safety

* 12. Funding Opportunity Number:

DTPH56-10-SN-0001

* Title:

State Damage Prevention Grants

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

* 15. Descriptive Title of Applicant's Project:

NORTH CAROLINA UTILITIES COMMISSION State Damage Prevention

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

Version 02

*** Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

* APPLICANT'S ORGANIZATION

NORTH CAROLINA UTILITIES COMMISSION

* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Prefix: Mr. * First Name: Edward Middle Name:

* Last Name: Finley Suffix: Jr.

* Title: Chairman

* SIGNATURE: Chris Isley

* DATE: 08/31/2009



State of North Carolina

Utilities Commission

4325 Mail Service Center
Raleigh, NC 27699-4325

COMMISSIONERS
EDWARD S. FINLEY, JR., Chairman
ROBERT V. OWENS, JR.
LORINZO L. JOYNER

August 17, 2009

COMMISSIONERS
WILLIAM T. CULPEPPER, III
BRYAN E. BEATTY
SUSAN W. RABON
TONOLA D. BROWN-BLAND

The Honorable Beverly E. Perdue
Office of the Governor
116 West Jones Street, Suite 202
Raleigh, North Carolina 27603-8001

Dear Governor Perdue:

The purpose of this letter is to request your assistance in applying for a federal pipeline safety grant.

Section 2 of the federal Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 added a new State Damage Prevention Program (SDPP) to the federal Pipeline Safety Law as 49 U.S.C. §60134. In cooperation with the North Carolina One Call Center, Inc. (NCOCC), the North Carolina Utilities Commission (NCUC) would like to apply for a §60134 SDPP grant. The amount of the grant is limited to \$100,000, and it would be used to assist the NCOCC in meeting the requirements of three "Damage Prevention Program Elements" listed in subsection 60134(b) as described below.

The NCOCC is a North Carolina non-profit corporation. It is the association sponsored by utility owners to receive and transmit to its members notifications of planned excavations, as contemplated by the North Carolina Underground Damage Prevention Act, N.C.G.S. Chapter 87, Article 8. The NCUC has received federal grants in the past to assist the NCOCC, but not under this new Program.

In order to be eligible for a §60134 grant, a state authority must have in effect an annual certification under 49 U.S.C. §60105, and must either have a damage prevention program that meets the requirements of the "Damage Prevention Program Elements" listed in subsection 60134(b), or must demonstrate substantial progress toward a program that will meet the requirements of this subsection. The Pipeline Safety Section of the NCUC enforces federal government safety regulations pursuant to N.C.G.S. 62-50(b) and has in effect an annual certification under §60105.

Subsection 60134(b) lists numerous "Damage Prevention Program Elements." One of these elements is Element 1 – Effective Communications: "Participation by

operators, excavators, and other stakeholders in the development and implementation of methods for establishing and maintaining effective communications between stakeholders from receipt of an excavation notification until successful completion of the excavation, as appropriate." This would be accomplished by the NCOCC using grant funds to start a quarterly publication entitled "North Carolina 811," which would be sent to all contractors, utility companies and municipalities; to the Department of Transportation; and to public officials throughout the State.

Another element is Element 4 – Effective Employee Training: "Participation by operators, excavators, and other stakeholders in the development and implementation of effective employee training programs to ensure that operators, the one call center, the enforcing agency, and the excavators have partnered to design and implement training for the employees of operators, excavators, and locators." This would be accomplished by the NCOCC conducting seminars for locators statewide.

And the final element for which grant funds are sought is Element 5 – Public Education: "A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities." This would be accomplished by the NCOCC conducting safety seminars statewide.

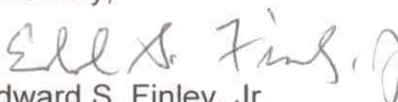
The §60134 grant application also requires that the Governor designate a State agency as the eligible applicant for the grant. The application states, "Any State authority that is or will be responsible for preventing damage to underground pipeline facilities designated by the Governor is eligible as long as the State participates in the oversight of pipeline transportation pursuant to an annual 49 U.S.C. §60105 certification." Under North Carolina's Underground Damage Prevention Act, no State agency currently has "responsibility" for preventing damage to underground pipelines. Such responsibility is assigned to utility owners and excavators, not to a government agency. Still, the NCUC has authority for safety standards as to the natural gas pipeline facilities of municipal and privately-owned pipeline companies pursuant to N.C.G.S. 82-50, and the NCUC has the required annual certification under §60105. The NCUC has received federal grants in the past to assist the NCOCC, and the NCUC therefore believes that it is the appropriate agency to apply for a §60134 SDPP grant.

This grant application will be reviewed by the Pipeline and Hazardous Materials Safety Administration (PHMSA) of the U.S. Department of Transportation. PHMSA will determine whether North Carolina's Underground Damage Prevention Act meets the requirements of §60134(b) and whether the proposed use of grant funds by NCOCC for GPS technology is appropriate.

The Honorable Beverly E. Perdue
August 17, 2009
page 3

Because PHMSA requires the Governor to designate the State agency to apply for the grant, I ask that you sign and return the statement below.

Sincerely,


Edward S. Finley, Jr.

I designate the North Carolina Utilities Commission to be the appropriate North Carolina agency to receive the State Damage Prevention Program Grant.

Signed 
Governor Beverly E. Perdue

Date: August 18, 2009